



## Ordinance Number 514

### AN ORDINANCE AMENDING CHAPTER 225 – 9 (D) CONCERNING ACTIONS BY THE PLANNING COMMISSION

Sponsored By: Councilman Steve Burg, 2<sup>ND</sup> District Councilman

First and Second Reading:

January 14, 2010

Results: **Passed 6 – In Favor, 0 – Opposed, 1 – Absent (1<sup>st</sup> District Councilman  
Jaremchuk**

Third and Final Reading:

February 11, 2010

Results: \_\_\_\_\_

# **Ordinance Number 514**

## **AN ORDINANCE AMENDING CHAPTER 225 – 9 (D) CONCERNING ACTIONS BY THE PLANNING COMMISSION**

**WHEREAS**, The Planning Commission has advised the Mayor and Council that at times the 45 day timeline established in Chapter 225, Section 225 – 9 (D) of the Code of the Town of Elsmere does not provide a sufficient amount of time for the Committee to review particular cases and issue informed recommendations or to approve or deny a petition: and

**WHEREAS**, Mayor and Council wish to provide all of the Town's Departments, Boards and Commissions with a sufficient amount of time to give each and every petition a proper review while not causing an undue delay to the petitioner.

### **NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELSMERE AS FOLLOWS:**

That Chapter 225 -9 (D) of the Code of the Town of Elsmere is hereby deleted in its entirety and a new Chapter 225 -9 (D) to read as follows be inserted in its place.

#### **§ 225-9. Site plan review by Planning Commission.**

##### **D. Action by Planning Commission.**

Whenever the Planning Commission is either required or requested to review a petition or other issue the Commission shall attempt to issue its approval, disapproval or recommendations to such petition or issue within 45 days of the date of the Planning Commission meeting where the issue was first discussed by the Commission.

In the event the Commission issues a disapproval or recommendation for denial the reasons for the disapproval or recommended denial shall be clearly stated in writing.

The Commission may amend or place conditions upon any approval when it believes they are necessary to carry out the intent of this chapter or to protect the health, safety or welfare of the community. In the event the Commission issues an approval or recommendation for approval it shall detail any modifications or conditions its approval was conditioned upon.

Where this code requires the approval of a petition, application, variance or special exception use permit that is contingent upon the existence of a hardship, the Commission shall detail the facts or circumstances which it believes established or proved the existence of such a hardship in any approval or recommendation for approval.

Should the Commission find that it is unable to issue an approval or recommendation for approval because in its opinion it does not have sufficient information to do so the Commission shall have the following options.

1. The Commission may deny the petition or application or issue a recommendation for denial and clearly state that the denial is based upon insufficient information being provided.
2. The Commission may forward the petition or application with no recommendation but a statement that no recommendation was reached because the Commission received insufficient information in order to reach an informed decision.
3. The Commission may advise the applicant of the additional information it will require prior to issuing a decision. The item shall then be placed on the agenda of the next regularly scheduled or a special meeting of the Commission.
4. The petition or application shall not progress until the conclusion of the next regularly scheduled or special meeting of the Commission.
5. Should the Commission not meet or should the Commission not reach a decision at their next regularly scheduled or special meeting the petition or application shall be considered to have been approved by the Commission.

January 14, 2010  
\_\_\_\_\_  
First and Second Reading

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Third and Final Reading

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Deborah A. Norkavage, Mayor

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Joann I. Personti, Secretary

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Approved As To Form  
Edward McNally, Town Solicitor

**SYNOPSIS:**

This Ordinance amends Section 225 – 9 (D) of the Code of the Town of Elsmere by re-defining “Actions By The Planning Commission”.

**Fiscal Impact:**

This ordinance will have no fiscal impact. It is a procedural change to the existing code.